

United States District Court

JUL 29 2016

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Estanislao Santos-Sorroza

YOB: 1967

PRINCIPAL

the United Mexican States

Case Number:

M-16-1451 -M

Hector Gonzalez

YOB: 1970

CO-PRINCIPAL

USC

Luis Enrique Elizondo

YOB: 1971

CO-PRINCIPAL

USC

CO-PRINCIPAL

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 27, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did, *(Track Statutory Language of Offense)*

knowing or in reckless disregard of the fact that Jose Aparicio-Zavala a citizen of Mexico, Bernardo Hernandez-Machado and Aura Maria Isabel Lastor-Perez, citizens and nationals of Guatemala, along with eighty (80) other undocumented aliens, for a total of eighty-three (83), who had entered the United States in violation of law, did knowingly and intentionally conspire and transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Donna and Edinburg, Texas to the point of arrest near Donna and Edinburg, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 26, 2016 Border Patrol Agents received information about a house located at 220 S. 84th Street in Edinburg, Texas being used to house illegal aliens. Agents also received the description of a white Ford F150, a white Ford Expedition, and a white GMC Sierra being used to transport illegal aliens in and out of the residence.

NOTE:

Throughout the narrative, 512 Gastel, Circle Apartment #2, Edinburg, Texas will be referred as Target location #1.
220 S. 84th Street, Edinburg, Texas will be referred as Target location #2.
8205 Azucena Street, Donna, Texas will be referred as Target location #3.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved to file: Joseph Leonard
Sworn to before me and subscribed in my presence,

July 29, 2016
Date

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Complainant

Francisco Sanchez Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas
City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1451 -M

**RE: Estanislao Santos-Sorroza
Hector Gonzalez
Luis Enrique Elizondo**

CONTINUATION:

On July 27, 2016, agents conducted surveillance at target location #2. At approximately 10:20 a.m. Agents observed a white Ford F150 departing the residence. Agents followed the white truck to the Walgreens Drug Store located on University Drive and Expressway 281. Agents observed the white truck met up with a blue four door Chevrolet pickup at the store parking lot. Agents observed two subjects exiting the blue pickup and entering the white pickup. Soon thereafter, agents followed the white truck to the Auto Zone parking lot located on Expressway 281 and Nolana Street. There, agents observed the white truck met with a green sedan; agents observed one subject exiting the green sedan and entered the white truck. Agents then followed the white truck to a residence located at 512 Gastel, Circle Apartment #2, Edinburg, Texas.(Target #1) Agents observed three subjects getting off the white truck and enter the residence. The driver then departed.

Agents then followed the white truck to an apartment complex located at 406 Lotto Lane, Edinburg, Texas. The male driver was seen exit the truck and enter apartment #4. Later, agents observed the male subject depart the apartment complex driving the white pickup. Agent followed the white truck to a shopping center parking lot located in south 10th street McAllen, Texas. Agents observed a black GMC pickup truck arrive at the location and met up with the white truck. Agents witnessed two subjects exiting the black truck and enter the white truck. Agents then followed the black truck while other agents followed the white truck.

Agents following the black truck followed the truck west bound on Expressway 83. Once they were entering Palmview city limits, agents contacted Palmview Police Department for assistance with the vehicle stop. Palmview Police Officer C. Mendoza performed the vehicle stop for driving on right side of roadway statue TRF 545.01. Driver identified as Luis Enrique Elizondo was cited and placed under arrest for Driving Without a Valid Driver's License. ELIZONDO was subsequently turned over to Border Patrol as a possible co-conspirator of human smuggling.

Agents following the white Ford pickup truck observed the truck arrived at 512 Gastel, Circle Apartment #2 in Edinburg, Texas (Target #1). Agents witnessed two subjects exit the truck and enter the apartment. Agents then continued to follow the white truck to the Bealls Department Store parking lot located on University Drive in Edinburg, Texas. Agents along with a Hidalgo County Constable made an approach on the driver of the white truck. The driver was identified as Estanislao SANTOS-Sorroza. Agents questioned SANTOS as to his citizenship; SANTOS stated he was a citizen of Mexico and that he was illegally present in the United States. At that point, SANTOS was placed under arrest and was read his Miranda Rights and agreed to answer questions without an attorney present. During a field interview, SANTOS admitted to the agents that he was responsible for transporting multiple illegal aliens to 512 Gastel, Apt.#2, Edinburg, Texas (Target #1) and to 220 S. 84th St., Edinburg, Texas (Target #2). SANTOS stated that target #2 was holding approximately forty illegal aliens. SANTOS indicated that a male caretaker with tattoos, known as "El Guero" was overseeing target location # 1. SANTOS stated that "El Guero" was currently at target location # 1 and drove a white Dodge Ram pickup truck. Agents found two cell phones and one ledger in SANTOS possession.

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Agents then headed to 512 Gatel, apt#2, Edinburg, Tx. (Target #1) and set up surveillance. Agents observed a white Dodge Ram pickup truck depart the apartment and stop at a nearby alley way. Agents along with a Hidalgo County Constable, approached the driver and passenger of the Dodge pickup truck. Agents identified driver Hector GOANZALEZ and passenger Lionel GONZALEZ as United States citizens. H. GONZALEZ matched the description of "El Guero" provided by Estanislao SANTOS-Sorroza. Agents questioned H. GONZALEZ about investigative facts relating to apartment #2 (Target #1). H. GONZALEZ advised that he did not want to speak without the presence of an attorney, all questioned seized at the point. Lionel GONZALEZ was also questioned but was released because agents did not find any evidence that he was a participant in human smuggling. Hector GONZALEZ was detained in an effort to further the investigation.

Agents along with Hidalgo County Constable, conducted a consensual knock and talk of target location #1. As agents approached the apartment, they noticed that the apartment had also a side door. Agents simultaneously knocked on both doors; both doors opened by someone from the inside. The subject that opened the side door, immediately ran into a bedroom once he saw it was law enforcement officers. The subject that opened the front door went to seat down on a couch with three other subjects in the living room area. Agents were giving the subjects commands from the outside of the apartment to show their hand and to remain still. At that time, Constable N. Guerra observed the same male subject that opened the side door exit the bedroom and walk around aimlessly. As the subject tried to go back into the bedroom, Constable Guerra noticed a black object on the subject's hand. Constable Guerra immediately made entry and apprehended the subject fearing he had a weapon in his hand. As Constable Guerra secured the subject, other agents made entry and discovered several subjects inside the bedroom. Later it was discovered that the black object was the subject's wallet. Agents ordered the subjects to exit the apartment. As agents were clearing the apartment, Agent R. Moreno and Constable Guerra noticed that the door for a second bedroom was locked. Agent Moreno and Constable Guerra knocked several times on the door but no one answered. Agents could hear people rumbling around inside the bedroom. After several attempts and fearing for officer safety, agents force entry on the bedroom. Agents discovered eighteen illegal aliens in the bedroom. A total of thirty-two illegal aliens were discovered in the apartment and were placed under arrest. Hector GONZALEZ was also placed under arrest for harboring illegal aliens.

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CONTINUATION:

While the agents were doing the search at Target location #1, other agents were conducting surveillance on 220 S. 84th Street, Edinburg, Texas (Target #2). Agents noticed a Dodge Dakota SUV transport five subjects from 220 S. 84th Street, Edinburg, Texas (Target #2) to 8205 Azucena Street, Donna, Texas (Target #3) and dropping them off. After the Dodge Dakota departed Target location #3, Agent R. Moreno called Edinburg Police Department and asked if an officer could stop a vehicle for investigative purposes due to the agent's observations of possible illicit activities and previous information of 175 illegal aliens being housed at that Target #2 location. Edinburg Police performed the vehicle stop; agents identified the driver of the Dodge Dakota as Fidel GONZALEZ-Sanchez. Agents questioned Fidel GONZALEZ as to his citizenship and he stated he was a citizen of Mexico illegally present in the United States. During a field interview, Fidel GONZALEZ admitted to agents that target location #3 was harboring 8 to 10 illegal aliens. Fidel GONZALEZ stated he was contacted by an unknown subject and instructed him to go and pick up aliens from Target location #2 since the caretakers had abandoned the aliens that were there.

Agents along with Hidalgo County Constables were approaching Target location #2 in order to conduct a consensual knock and talk. As the agents were approaching the property, agents observed approximately eleven subjects run out the back door of the residence and jump a fence in an attempted to abscond. Those eleven subjects were subsequently detained. Agents discovered a total of forty-two illegal aliens at Target location #2. Agents also discovered two ledgers.

Agents and Hidalgo County Constables then conducted a consensual knock and talk of Target location #3. A male subject opened the door; agents questioned the subject as to his immigration status. Subject stated he was from Honduras illegally present in the United States and that more illegal aliens were inside the house. Subject gave consent to the agents to enter the residence. Agents entered the house and discovered a total of nine illegal aliens in Target location #3.

PRINCIPALS WITNESS STATEMENT: SANTOS-Sorroza, Estanislao (Mexico)

SANTOS-Sorroza, Estanislao was read the Miranda Rights and agreed to provide a statement without an attorney present.

Estanislao SANTOS-Sorroza a citizen of Mexico, stated that an unknown man hired him to pick up illegal aliens at different locations and transport them to 512 Gastel Circle, Edinburg, TX (Target #1) and 8205 Azucena, Donna, Texas (Target #3). SANTOS also stated that he was working with Hector GONZALEZ A.K.A. Guero in smuggling and transporting illegal aliens. SANTOS further stated that he received a cell phone, vehicle, apartment, and money from Guero to transport the aliens and buy food. When questioned as to how many aliens he had transported to the stash houses SANTOS stated that he had transported about 80 people to 512 Gastel Circle apartment number #2 in Edinburg, Texas (Target #1) and about 30 people to 8205 Azucena in Donna, Texas (Target #3). SANTOS further stated that he received orders from Hector GONZALEZ. Estanislao SANTOS-Sorroza identified Hector GONZALEZ through a photo lineup as the

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PRINCIPALS WITNESS STATEMENT: GONZALEZ, Hector (USC)

Hector GONZALEZ was read his Miranda Rights and refused to answer any questions without the presence of an attorney. No additional questioning was conducted.

PRINCIPALS WITNESS STATEMENT: ELIZONDO, Luis Enrique (USC)

Luis Enrique ELIZONDO was read his Miranda Rights and agreed to provide a statement without an attorney present.

ELIZONDO admitted to being the driver of the black GMC Sierra and picking up two undocumented immigrants at a house in Havana, Texas and transport them to a parking lot in south McAllen, Texas. ELIZONDO stated he was contacted by an unknown subject that offered him a job to transport illegal aliens to McAllen, Texas. ELIZONDO stated he was going to get paid \$50.00 USD per illegal alien. ELIZONDO also admitted to previously being arrested on two prior occasions for transporting undocumented immigrants. ELIZONDO was not prosecuted during those previous arrests.

MATERIAL WITNESS STATEMENT: APARICIO-Zavala, Jose (Mexico) Apprehended at target location #2

At the Weslaco Station Jose APARICIO-Zavala was read the Miranda Rights and agreed to provide a statement without an attorney present.

Jose APARICIO-Zavala a citizen of Mexico, stated that he crossed the river with 5 other illegal immigrants. APARICIO also stated that once in the United States, they were transported to the house they were arrested. APARICIO indicated that the man who transported them to the house introduced himself as "Chocolate". APARICIO also stated that he was in the house for about nine days before getting arrested. He stated that the caretaker would feed them twice a day. He also indicated that another man with lots of tattoos was also a caretaker.

Jose APARICIO-Zavala was able to identify Hector GONZALEZ through a photo lineup as one of the caretakers.

Jose APARICIO-Zavala was able to identify Estanislao SANTOS-Sorroza through a photo lineup as "Chocolate". The subject that transported him to the stash house and one of the caretakers.

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MATERIAL WITNESS STATEMENT: HERNANDEZ-Machado, Bernardo (Guatemala) Apprehended at target location #2

Bernardo HERNANDEZ-Machado was advised of his rights and agreed to provide a statement without the presence of an attorney.

Bernardo HERNANDEZ-Machado a citizen of Guatemala, stated he crossed about eight days ago near Reynosa, Tamaulipas, Mexico. HERNANDEZ stated that once he crossed illegally into the United States, he was transported by Etanislao SANTOS-Sorroza and Hector GONZALEZ to the house where he was arrested. HERNANDEZ also stated that once they arrived at the house, SANTOS gave them instructions to get off the truck one by one and enter the residence and not to act suspicious. HERNANDEZ further stated that GONZALEZ was also a caretaker for the house and that he would also take people north.

Bernardo HERNANDEZ-Machado identified Etanislao SANTOS-Sorroza through a photo lineup as the person who drove him to the house and one of the caretakers of the house.

Bernardo HERNANDEZ-Machado identified Hector GOZALEZ through a photo lineup as the person who would transport illegal aliens out of the house and one of the caretakers of the house.

MATERIAL WITNESS STATEMENT: LASTOR-Perez, Aura Maria Isabel (Guatemala) Apprehended at target location # 1

Aura Maria Isabel LASTOR-Perez was advised of her rights and agreed to provide a statement without the presence of an attorney.

Aura Maria Isabel LASTOR-Perez a citizen of Guatemala, stated she was to pay \$3,959.61 USD to be smuggled into the United States. Once in the United States she was taken to a house where she spent about two hours. LASTOR also stated that a man came and told her to get into a black truck. After I got in the truck, we drove for several minutes. LASTOR indicated that she heard the man talking to someone on the phone. She states that the driver was lost and kept driving around. After several minutes, they finally came to a parking lot where she was transferred to a white truck. LASTOR stated that the driver of the white truck drove her to the house where she was arrested.

Aura Maria Isabel LASTOR-Perez identified Luis Enrique ELIZONDO through a photo lineup as the man who transported her to McAllen, Texas.